

REGULAR COUNCIL MEETING
SEPTEMBER 12, 2017

Council Chamber, Municipal Building
Irvington, N.J. – Tuesday Evening
September 12, 2017 - 8:00 P.M.

1. Pledge of Allegiance
2. Moment of Silence
3. Roll Call

Present: Renee C. Burgess, Charnette Frederic, Vernal Cox, Paul Inman, Sandra R. Jones, David Lyons

Absent: October Hudley (excused)

President Lyons read the Statement of Proper Notice pursuant to the Sunshine Law.

4. Hearing of Citizens on Agenda Items Only (limited to three minutes per person and thirty minutes total)

Elouise McDaniel, 214 Nesbit Terrace

5. Hearing of Council Members

Council President Lyons addressed the issues raised by the above referenced citizen.

6. Reports & Recommendations of Township Officers, Boards & Commissions

A. Reports

1. Minutes – Directors' Meeting – August 15, 2017
2. Municipal Court Electronic Collections Report Through July, 2017

7. Reports of Committees

None

8. Ordinances, Bills & Claims

C. Bills & Claims

Jones – Cox 1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD SEPTEMBER 12, 2017, AS ENUMERATED ON THIS LIST

FOR MATERIALS, SUPPLIES AND SERVICES FURNISHED, DELIVERED AND/OR PERFORMED HAVE BEEN CERTIFIED BY THE DEPARTMENTS AS CORRECT, EACH CLAIM AND PURCHASE ORDER HAVE BEEN VERIFIED AND REVIEWED FOR THE AVAILABILITY OF FUNDS, ACCURACY OF ACCOUNT CODING AND COMPLETENESS BY THE ADMINISTRATION, THEREFORE:

BE IT RESOLVED, BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON THAT THE FOLLOWING BE PAID BY THE CHIEF FINANCIAL OFFICER:

BILL LIST	\$4,064,520.81
TOTAL	\$4,064,520.81

Adopted
Abstain: Inman
Absent: Hudley

Jones – Lyons 2. Payrolls

July 29, 2017 through August 11, 2017

REGULAR	OVERTIME	OTHER EARNED	TOTAL
\$659,137.60	\$58,950.15	\$12,089.91	\$730,177.66

July 25, 2017 through August 15, 2017

REGULAR	OVERTIME	OTHER EARNED	TOTAL
\$940,583.89	\$138,184.20	(\$-30,525.50)	\$1,048,242.59

July 31, 2017 through August 25, 2017

REGULAR	OVERTIME	OTHER EARNED	TOTAL
\$1,586,343.35	\$174,167.76	\$14,798.74	\$1,775,309.85

Adopted
Abstain: Inman
Absent: Hudley

9. Resolutions & Motions

A. Resolutions

Lyons – Cox 1. Authorize Fair and Open Contract for Lease of Office Space at 660 Stuyvesant Avenue for One Year – BSR Group, LLC - \$39,900.00

RESOLUTION AUTHORIZING THE AWARD OF A FAIR AND OPEN CONTRACT FOR THE LEASE OF OFFICE SPACE

WHEREAS, sealed bids were received on June 07, 2017 for Lease of Office Space in response to published advertisement for bids in the New Jersey Star Ledger on June 21, 2017; and

WHEREAS, one bid was received and opened by the Municipal Clerk and the Purchasing Agent; and

WHEREAS, the bid received was reviewed according to the New Jersey Local Public Contract law, and referred to the Business Administration for review and recommendation; and

WHEREAS, the Township Administrator has recommend that an award be made to The BSR Group LLC of 660 Stuyvesant Ave, Irvington, NJ 07111 for the lease of office space; and

WHEREAS, this lease agreement is for one year starting July 01, 2017 until August 01, 2018; and,

WHEREAS, the landlord, The BSR Group LLC will be paid a monthly sum of \$3,325.00 for the rental of the office space and the Township; and,

NOW THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Irvington authorizes the award of a and open contract to The BSR Group LLC of 660 Stuyvesant Ave, Irvington, NJ 07111 for a yearly amount not to exceed \$39,900.00; and,

BE IT FURTHER RESOLVED that the Township Attorney is hereby authorized and directed to prepare the necessary contract, and the Mayor and Township Clerk are authorized and directed to sign the same; and

BE IT RESOLVED that the required Certification of Availability of Funds, certification number C7-00249 was obtained from the Chief Financial Officer for the first three months for an amount of \$9,975.00 and the appropriation to be charged for this expenditure is 7-01-20-100-100-299 and the remaining balance of \$29,925.00 will be obtained from the Chief Financial Officer upon the adoption of the 2017 and 2018 Municipal Budget.

Adopted
Abstain: Inman
Absent: Hudley

Cox – Burgess 2. Authorize In Rem and Personam Tax Foreclosure Summary Proceedings

RESOLUTION OF THE MAYOR AND TOWNSHIP COUNCIL OF THE TOWNSHIP OF IRVINGTON IN THE COUNTY OF ESSEX AUTHORIZING THE IMPLEMENTATION OF IN REM AND IN PERSONAM FORECLOSURE SUMMARY PROCEEDINGS PURSUANT TO N.J.S.A. 54:5-104.29 TO N.J.S.A. 54:5-104.71 FOR THE TAX SALE CERTIFICATES AS ATTACHED HERETO.

WHEREAS, the Township of Irvington is the holder of several tax sale certificates as set forth on the attached Tax Foreclosure list; and,

WHEREAS, it is the desire of the Township Council to institute In Rem and In Personam tax foreclosure proceedings against the properties as set forth on the attached Tax Foreclosure list; and,

WHEREAS, the institution of said In Rem and In Personam proceedings will result in revenue to the Township of Irvington either by redemption of the Tax Sale Certificate or by the foreclosure and resale by the Township of Irvington.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Irvington, County of Essex, State of New Jersey that it is determined that said Township foreclose, by summary proceedings In Rem and In Personam, if necessary, as provided in the In Rem Foreclosure Act set forth at N.J.S.A. 54:5-104.29 to N.J.S.A. 54:5-104.71 as amended and pursuant to the Rules Governing the Courts of the State of New Jersey, the tax sale certificates held by said City, as listed on the attached Tax Foreclosure List.

Adopted

Abstain: Inman

Absent: Hudley

Frederic – Lyons 3. Provide for Alternate Deferred Compensation Plan Provider - AXA Equitable Life Insurance Company

RESOLUTION - AUTHORIZE ALTERNATE PROVIDER OF DEFERRED COMPENSATION PLAN

WHEREAS, in order to attract and retain qualified employees there exists a need to adopt and implement a DEFERRED COMPENSATION PLAN for the employees of the Township of Irvington (hereinafter referred to as “Employer”), which will provide employees the opportunity to enhance their financial security at retirement through savings of compensation on a tax deferred basis as provided by Section 457 of the Internal Revenue Code of 1986, as amended (“Code”); and

WHEREAS, there is no direct financial cost to the Employer to adopt and implement both a DEFERRED COMPENSATION PLAN and Service Agreement; and
Whereas, the Employer advertised in the New Jersey Star Ledger for sealed bids on June 07, 2017 and two vendors submitted written proposals from approved contractors list on June 21, 2017, including AXA Equitable Life Insurance Company (hereinafter referred to as “AXA Equitable”), and Lincoln Financial Group for the administration of the investments of funds under a DEFERRED COMPENSATION PLAN including providing Prototypical Plans and Service Agreements that meet the requirements of the Municipal, County and Authority Deferred Compensation Programs Rule N.J.A.C. 5:37;

WHEREAS, the Plan Administrator Committee [Payroll Supervisor, Chief Financial Officer and Business Administrator] reviewed the proposals and completed the evaluation of all proposals submitted; and

WHEREAS, the Plan Administrator Committee has determined that AXA Equitable has the ability to: (1) Demonstrate a clear understanding of a 457(b) plan; (2) Substantive experience in administering 457(b) plans (3) overall qualifications of staff and (4) overall cost of Administering a 457 (b) plan;

NOW, THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that:

(a) Pursuant to N.J.A.C. 5:37-5.2, the Council of the Township of Irvington, County of Essex, State of New Jersey hereby amend its Deferred Compensation plan to include AXA Equitable Life Insurance Company as an administrator in addition to Nationwide Insurance Company, MetLife Insurance Company and MassMutual Insurance Company for the Township's Deferred Compensation Plan and Trust. Effective as of the date of this resolution the DEFERRED COMPENSATION PLAN provided by AXA Equitable will be reviewed by the New Jersey Division of Local Government Services and be assigned a plan identifier number.

(b) It is hereby acknowledge that the said DEFERRED COMPENSATION PLAN is substantially similar to one on which a favorable Private Letter Ruling has been previously obtained from the federal Internal Revenue Service except for provisions added by reason of The Small Business Job Protection Act of 1996 (United States Public Law No. 104-188), the Tax payer Relief Act of 2001 (United States Public Law No. 105-34), and the Economic Growth and Tax Relief Reconciliation Act of 2001 (United States Public Law No. 107-16), and all such provisions are stated in the plan in terms substantially similar to the text of those provisions in the Code Section 457 including pertinent applicable Treasury Regulations. The use of the Ruling is for guidance only and acknowledges that for Internal Revenue Service purposes, the Ruling of another employer is not be considered precedent.

(c) The Mayor and Municipal Clerk is authorized to execute the Service Agreement after the same has been reviewed and approved by the New Jersey Division of Local Government with AXA Equitable for the provision of administrative and investment services. There has been no collusion, or evidence or appearance of collusion, between any local official and a representative of AXA Equitable in the selection of AXA Equitable as contractor for the administration of the Service Agreement pursuant to N.J.A.C. Section 5:37-5.7.

(d) The Director of Finance is hereby designated as Local Plan Administrator for the administration of the DEFERRED COMPENSATION PLAN.

(e) The Municipal Clerk shall forward a true copy to this resolution and all necessary required documents to Director of the Division of Local Government Services within the State Department of Community Affairs for approval.

Adopted
Abstain: Inman
Absent: Hudley

Cox – Frederic 4. Authorize Contract for Proprietary Software for the Fire Division - Simulation Technology LLC - \$6,086.00

RESOLUTION TO PURCHASE PROPRIETARY SOFTWARE TECHNOLOGY FOR THE FIRE DEPARTMENT

WHEREAS, the Fire Department is required to use a software program to provide driving training to fire personnel; and

WHEREAS, the technology and maintenance are proprietary software for Simulation Technology LLC; and

WHEREAS, the total cost of this software will exceed the quote threshold; and

WHEREAS, under New Jersey Local Public Contract (NJSA 40A:11-5dd), the Township may award a contract for proprietary software in lieu of bidding; and

WHEREAS, the Township would like to take advantage of provisions of NJSA 40:11-5 (dd) and award a service contract to Simulation Technology LLC, 747 Herra Street, Unit B, Elburn, IL 60119 for the total sum of \$6,086.00

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON hereby authorizes a service contract to Simulation Technology LLC, 747 Herra Street, Unit B, Elburn, IL 60119 under provisions of NJSA 40:11-5dd to purchase proprietary software for the total sum of \$6,086.00; and

BE IT FURTHER RESOLVED, that the Township Attorney is directed to prepare the appropriate contract for such goods and services and the Mayor and Municipal Clerk is authorized to sign the same; and

BE IT FURTHER RESOLVED that the required availability of funds in the amount of \$6,086.00 has been obtained from the Chief Financial Officer, charged to budget account number T-21-41-850-17E-801.

Adopted
Abstain: Inman
Absent: Hudley

Lyons – Cox 5. Authorize Tax Payment Agreement for 26 Tremont Street - Net Amount to Redeem of \$6,923.29 Payable Within 24 Months

Municipal Payment Plan
Prior to Tax Sale

WHEREAS, the Township of Irvington is scheduled to have an Accelerated Tax Sale on or before December 31, 2017 on lands known on the Tax Map of the

Township of Irvington aforesaid as Block 33, Lot 2 owned by Rose Baskerville (Chiniha Baskerville, POA), and that said Tax Sale advertised amount and subsequent municipal liens on said premises remain unpaid; and

WHEREAS, said Taxpayer Rose Baskerville (Chiniha Baskerville, POA), has applied to the Municipal Council of the Township of Irvington for a leave to redeem the aforesaid property from the said Accelerated Tax Sale and subsequent municipal liens by equal monthly installment payments in accordance with and pursuant to the provisions of N.J.S.A. 54:5-19:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP

OF IRVINGTON that the Irvington Tax Collector be and she is hereby authorized to enter into the following agreement mentioned for the payment of tax arrears and current taxes on the premises 26 Tremont Street, Block 33, Lot 2 on the Irvington Tax Map:

1.	2016 Taxes	\$5,908.32	2017 Taxes	\$5,945.99
	Total Interest Due to 9/12/17	\$ 976.84		\$ 385.73
			Sewer	\$ 540.00
			Interest	\$ 51.57
	NET AMOUNT TO REDEEM:	\$6,885.16		\$6,923.29

2. That beginning October 1, 2017 and on or before the 1st day of each succeeding month thereafter, the Taxpayer Rose Baskerville (Chiniha Baskerville, POA) shall pay to the Irvington Tax Collector the sum of \$689.37 each month to be applied by said Tax Collector on account of said municipal liens in the manner most convenient to her as provided by N.J.S.A. 54:5-74. In addition, the Taxpayer shall pay to the Tax Collector the current taxes as they become due on February 1st, May 1st, August 1st and November 1st of each year. The foregoing payments shall continue until all taxes and interest on tax arrears and current taxes as provided herein shall have been paid in full; all tax arrears and interest thereon must be paid within 24 months.

- a. The Tax Collector shall provide a form of receipt or statement showing the dates of payments and the application thereof as to interest, expenses, charges, etc.

3. Upon the full satisfaction of the amount required to redeem said lands from said Tax Sale Certificate, including the subsequent municipal liens as aforesaid, together with sewer user charges and current taxes, the Collector of Taxes shall deliver to said Taxpayer said Tax Sale Certificate properly endorsed for cancellation.

4. That should said Taxpayer Rose Baskerville (Chiniha Baskerville, POA) default in the payment of any one said monthly installment payments, or in the payment of any current municipal taxes which may fall due against the aforementioned property, and should said default in any case continue for thirty (30) days from the time that such payment is due and payable then said agreement

between said Taxpayer and the Township shall be terminated and void and all said municipal liens and taxes shall become immediately due and payable subject to enforcement by the Tax Collector of the Township of Irvington and sale according to law or by employment of any remedy available to the Township of Irvington according to law.

Adopted
Abstain: Inman
Absent: Hudley

Frederic – Jones 6. Authorize Use of Substitute Prosecutor for July 10, 2017 Court Session – John E. Cerza - \$300.00

RESOLUTION AUTHORIZING THE TOWNSHIP ATTORNEY TO USE
SUBSTITUTE PROSECUTORS ON AN EMERGENCY BASIS

WHEREAS, resolution number TA 16-0913-26 appointed two substitute prosecutors to be used on an on-call basis in the event of conflict cases or due to shortage of available staff and;

WHEREAS, the two appointed substitute prosecutors were unavailable to coverage the 9AM court session on July 10, 2017 and;

WHEREAS, the Township would have to cancel court sessions due to shortage of staff which would affect the public safety and welfare of the Township pursuant to NJSA 40A:11-6 and;

WHEREAS, the Township Attorney has declared an emergency in writing to hire John E. Cerza to cover the 9AM municipal court session on July 10, 2017.

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE
TOWNSHIP OF IRVINGTON THE FOLLOWING:

1. The Township Attorney hired John E. Cerza as a substitute prosecutor on an emergency basis for the July 10, 2017 court session.
2. The vendor will be paid an amount not to exceed \$300.00 per session on purchase number 17-03696.

BE IT FURTHER RESOLVED that the Chief Financial Officer is authorized to pay the sum of \$300.00 to John E. Cerza, pursuant to said purchase order and without further action of the Council.

Adopted
Abstain: Inman
Absent: Hudley

Cox – Lyons 7. Authorize Professional Services Contract for Grant Writing Services in Connection with the Edward Byrne Memorial Justice Assistance Grant – Millennium Strategies – Not To Exceed \$5,400.00

RESOLUTION FOR A PROFESSIONAL SERVICES CONTRACT FOR EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT APPLICATION

WHEREAS, the Irvington Police Department needs to apply for the Edward Byrne Memorial Justice Assistance Grant; and

WHEREAS, on December 13, 2016, the Municipal Council qualified three grant consultant firms for grant writing purpose pursuant to resolution number DA 16-1213-49; and

WHEREAS, Millennium Strategies LLC of 60 Roseland Ave, Caldwell, NJ 07006 has the most experience in this type of grant writing service; and

WHEREAS, the Administration would like to award a contract to Millennium Strategies LLC of 60 Roseland Ave, Caldwell, NJ 07006 to assist with the preparation of the Edward Byrne Memorial Justice Assistance Grant for an amount not to exceed \$5400.00.

NOW, THEREFORE, BE IT RESOLVED BY MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a professional services contract in the amount of \$5400.00 be awarded to Millennium Strategies LLC of 60 Roseland Ave, Caldwell, NJ 07006 for the preparation of the Edward Byrne Memorial Justice Assistance Grant application.

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:34-5.2, the required Certificate of Availability of Funds No.C7-00266 for the above has been obtained from the Chief Financial Officer of the Township of Irvington and the appropriation to be charged for this expenditure is in the amount of \$5,400.00 is account number 7-01-20-100-100-256.

Adopted
Abstain: Inman
Absent: Hudley

Jones – Burgess 8. Award Contract Based Upon Requests for Proposals - Snow Plowing and Snow Removal Services – Your Way Construction, General Contracting and Site Work – Not to Exceed an Amount of \$160,000.00 for Two Years

RESOLUTION TO AWARD A CONTRACT FOR SNOW REMOVAL AND HAULING SERVICE TO YOUR WAY CONSTRUCTION, GENERAL CONSTRUCTION AND SITE WORK FOR AN AMOUNT NOT TO EXCEED \$160,000.00

WHEREAS, the Department of Public Works may need to hire an outside contractor to assist with the removal of snow on an as needed basis; and

WHEREAS, the Request for Proposals for snow removal and plowing service was publicly advertised in the New Jersey Star Ledger on July 25, 2017 with a deadline for proposals to be submitted on August 08, 2017; and

WHEREAS, three qualifications were received and publicly opened by the Township Clerk and Qualified Purchasing Agent; and

WHEREAS, said qualifications were referred to the Director of Public Works; and

WHEREAS, the Director of Public Works has recommended the award of a contract should be made to the lowest, responsible, responsive bidder-: Your Way Construction, General Construction and Site Work, located at 404 Coit Street, Irvington, NJ 07111; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for snow removal and plowing service be awarded to Your Way Construction, General Construction and Site Work, located at 404 Coit Street, Irvington, NJ 07111 for an annual amount not to exceed \$160,000.00. The provider will be paid \$155.00 per hour for a single axle truck (minimum 26,000 GVWR), \$200.00 per hour for a Salt Spreader, \$130.00 per hour for 20 cu.yd. rolls off, \$130.00 per hour for 30 cu. yd. roll offs, \$130.00 per hour, \$130.00 per hour for a tandem axle truck and \$200.00 per hour for front end loader; and

BE IT FURTHER RESOLVED, that this service contract is only allowed to be used, when approved by the Director of Public Works on an "as needed" and "on call" basis, starting on September 12, 2017 until September 11, 2019; and

BE IT FURTHER RESOLVED that the Township Attorney is hereby authorized and directed to prepare the necessary contract and the Mayor and Township Clerk are authorized and directed to sign the same; and

BE IT RESOLVED that the required certification of availability of funds C7-00262 in the amount of \$80,000.00 for the first four months from account number 7-01-21-165-165-299 has been obtained from the Chief Financial Officer and the remaining balance will be certified in the 2018 and 2019 Municipal budget.

Adopted
Abstain: Inman
Absent: Hudley

Frederic – Cox 9. Award Bid – Removal of Leaves, Brush and Vegetative Waste – Nature's Choice Corporation - \$11.95 Per Cubic Yard For Leaves, \$14.95 Per Cubic Yard for Brush and \$17.00 Per Cubic Yard for Mixed Vegetative Waste

RESOLUTION AUTHORIZING A CONTRACT OF LEAVES, BRUSH AND MIXED VEGETATIVE WASTE FOR AN AMOUNT NOT TO EXCEED \$80,000.00

WHEREAS, the Invitation to Bid for leaves, brush and mixed vegetative waste was publicly advertised in the New Jersey Star Ledger on July 03, 2017 with a deadline for bids to be submitted on July 26, 2017;

WHEREAS, one bid was received and opened by the Municipal Clerk and Purchasing Agent;

WHEREAS, the bid was referred to the Public Works Director and it has recommended that the contract should be awarded to the following firm based on being the lowest, responsible and responsive bidder:

Nature's Choice Corporation
Matthew Vastano
398 Lincoln Boulevard
Middlesex, NJ 08846

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the award for leaves, brush and mixed vegetative waste be made to Nature's Choice Corporation of 398 Lincoln Blvd, Middlesex, NJ 08846 for removal and disposal in the amount of : \$11.95 per cubic yards for leaves, \$14.95 per cubic yard for brush and \$17.00 per cubic yard for mixed vegetative waste; and

BE IT FURTHER RESOLVED, that this contract is for one year, starting on September 28, 2017 until September 27, 2018 for removal of all leaves, brush and mixed vegetative waste including leaves season.

BE IT FURTHER RESOLVED that the Township Attorney is hereby directed to prepare the necessary contracts and the Township Clerk is hereby directed to return the bid security to the unsuccessful bidders; and

BE IT FURTHER RESOLVED, that the required certification of availability of funds C7-00263 in the amount of \$40,000.00 for the first four months from account number 7-01-32-465-465-118 has been obtained from the Chief Financial Officer and the remaining balance will be certified in the 2018 budget.

Adopted
Abstain: Inman
Absent: Hudley

Jones – Burgess 10. Authorize Purchase of 2017 Chevrolet Tahoe PPV with Unmarked Light Package by State Contract From Mall Chevrolet, Inc. For An Amount Not To Exceed \$40,100.00

RESOLUTION AUTHORIZING THE PURCHASE OF A 2017 CHEVROLET TAHOE PPV WITH UNMARKED LIGHT PACKAGE FROM STATE CONTRACT VENDOR MALL CHEVROLET INC FOR TOTAL AMOUNT OF \$40,100.00

WHEREAS, the Township of Irvington, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program; and

WHEREAS, the Township wishes to purchase a new 2017 Chevrolet Tahoe PPV with Unmarked Light Package from State of New Jersey Contract number 88229; and

WHEREAS, the Township of Irvington intends to enter into contracts with Mall Chevrolet, Inc., 75 Haddonfield Road, Cherry Hill, NJ 08002-1453 through this resolution and properly executed purchase orders, starting on September 12, 2017; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON hereby authorizes a service contract with Mall Chevrolet, Inc., 75 Haddonfield Road, Cherry Hill, NJ 08002-1453 for an amount not to exceed \$40,100.00; and

BE IT FURTHER RESOLVED, that the Township Attorney is directed to prepare the appropriate contract for such goods and services and the Mayor and Municipal Clerk is authorized to sign the same; and

BE IT FURTHER RESOLVED, that the required certification of availability of funds C7-00265 in the amount of \$40,100.00 from account number C-04-56-849-016-910 has been obtained from the Chief Financial Officer.

Adopted
Abstain: Inman
Absent: Hudley

Jones – Frederic 11. Authorize Purchase of Proprietary Playground Equipment from Ben Shaffer Recreation Inc. – Not To Exceed \$2,641.52

**RESOLUTION TO PURCHASE PROPRIETARY PLAYGROUND EQUIPMENT
PRODUCTS FOR THE RECREATION DEPARTMENT**

WHEREAS, the Recreation Department is in need of replacing a few playground items at various parks; and

WHEREAS, the current equipment is a sole source provider of BCI Burke Company Playground equipment; and

WHEREAS, the total cost of calendar year 2017 will exceed the quote threshold; and

WHEREAS, under New Jersey Local Public Contract (NJSA 40A:11-5dd), the Township may award a contract for proprietary products in lieu of bidding; and

WHEREAS, the Township would like to take advantage of provisions of NJSA 40:11-5 (dd) and award a service contract to Ben Shaffer Recreation INC., PO Box 844, Lake Hopatcong, NJ 07849.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON hereby authorizes a service contract to Ben Shaffer Recreation INC., PO Box 844, Lake Hopatcong, NJ 07849 under provisions of NJSA 40:11-5dd to purchase play ground equipment over the quote threshold; and

BE IT FURTHER RESOLVED, that the Township Attorney is directed to prepare the appropriate contract for such goods and services and the Mayor and Municipal Clerk is authorized to sign the same; and

BE IT FURTHER RESOLVED that the required availability of funds in the amount of \$2,641.52 has been obtained from the Chief Financial Officer, charged to budget account number 7-01-28-370-370-299.

Adopted
Abstain: Inman
Absent: Hudley

Jones – Frederic 12. Authorize Contract with The Bridge, Inc. for the Use of \$19,909.50 in Grant Funds from the Municipal Alliance for the Innervisions Program for Each of the 2016-2017 and 2017-2018 Years

AWARDING CONTRACT FOR BRIDGES, INC., FOR IRVINGTON MUNICIPAL ALLIANCE ACTIVITY

WHEREAS, the Irvington Municipal Alliance is a recipient of grant funding from the Governor's Council on Alcoholism and Drug Abuse to provide Alcoholism/Drugs Services for prevention, education and intervention for preschoolers through Senior Citizens; and

WHEREAS, the Irvington Municipal Alliance wishes to award grant in the amount of \$19,909.50 for the year 2016-2017 and \$19,909.50 for the year 2017-2018 to Bridges Inc., 860 Bloomfield Ave. Caldwell, NJ 07006 for the provision of through an initiative called " Keys to Innervisions", said program provides prevention strategies and self-esteem building activities that seek to prevent tobacco, alcohol and substance abuse and/or abuse which constitutes an eligible Irvington Municipal Alliance activity; and

WHEREAS, the governing body of the Township of Irvington is required under state law (N.J.S.A. 40A:11-1 et seq.) to authorize the execution of formal grant agreements

WHEREAS, the Sub-grantee has agreed has agreed that funds for services provided under this grant will not be used for any other purpose other than those listed in this contract:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON

BE IT FURTHER RESOLVED, the Chief Financial Officer the balance of \$19,909.50 will be charged for these expenditures to Account Number G-02-XX-703-16A-299.

IT IS FURTHER RESOLVED that the Mayor is authorized to execute any required agreements to comply with said grant year 2016-2017 and 2017-2018 to provide for education and assistance to those suffering for drug and alcohol abuse.

Adopted
Abstain: Inman
Absent: Hudley

Jones – Cox 13. Ratify Mayor's Nomination of Lindal Scott-Foster, Esq. as Municipal Court Judge, effective September 18, 2017 and Expiring on September 17, 2020

WHEREAS, a vacancy occurred in the Office of Municipal Court Judge by virtue of the fact that the term of office of Judge William H. Williams, Jr., Esq. expired on June 30, 2017:

NOW, THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON as follows:

The Mayor's nomination of Lindal Scott-Foster, Esq. as Municipal Court Judge, effective September 18, 2017 and expiring on September 17, 2020 is hereby confirmed by the Municipal Council.

Adopted
Abstain: Inman
Absent: Hudley

Cox – Jones 14. Ratify Mayor's Nomination of Seth G. Dombeck, Esq. as Municipal Court Judge, effective July 1, 2017 and Expiring on June 30, 2020

WHEREAS, a vacancy occurred in the Office of Municipal Court Judge by virtue of the fact that the term of office of Seth G. Dombeck, Esq. expired on June 30, 2017:

NOW, THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON as follows:

The Mayor's nomination of Seth G. Dombeck, Esq. as Municipal Court Judge, effective July 1, 2017 and expiring on June 30, 2020 is hereby confirmed by the Municipal Council.

Adopted
Abstain: Inman
Absent: Hudley

Cox – Jones 15. Authorize Appointment of Firefighter Keith McCoy as Local Fire Official

WHEREAS, the Irvington Fire Department has a vacancy due to retirement of the “Local Fire Official” and the State Division of Fire Safety requires that this position be filled according to N.J.A.C. 5:71-2.7(a) by a resolution of the governing body appointing the “Local Fire Official”:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Firefighter Keith McCoy be and is hereby appointed as the “Local Fire Official” of the Township of Irvington.

Adopted
Abstain: Inman
Absent: Hudley

Jones – Frederic 16. Authorize Amendment to Municipal Alliance Grant for 2017-2018 – Increase In Kind Amount to \$31,500.00

Governor’s Council on Alcoholism and Drug Abuse
Fiscal Grant Cycle July 1, 2017-June 30, 2018

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, Irvington Municipal Council of the Township of Irvington of, County of Essex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and,

WHEREAS, the Irvington Municipal Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Irvington Municipal Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Essex;

NOW, THEREFORE, BE IT RESOLVED by the Township of Irvington, County of Essex, State of New Jersey hereby recognizes the following:

The Township of Irvington Council does hereby authorize submission of a strategic plan for the Irvington Municipal Alliance grant for fiscal year 2017-2018 in the amount of:

DEDR	\$41,580.00
Cash Match	\$10,500.00
In-Kind	\$31,500.00

The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Adopted
Abstain: Inman
Absent: Hudley

Jones – Cox 17. Authorize Increase in Grant Amount for Emergency Services to Essex County Residents for Calendar Year 2017 from \$151,833.00 to \$262,166.00

WHEREAS, The County of Essex, acting through its Department of Citizens Services, Division of Community Action proposes to enter into a sub grant agreement with Irvington Neighborhood Improvement Corporation to provide Emergency Services to Essex County residents for the contract price of \$151,833.00 during the 2017 program year of January 1, 2017–December 31, 2017 which has been amended to \$262,166.00 and

WHEREAS, said grant agreement has been negotiated by the County Executive of Essex County and presented to the Board of Chosen Freeholders for Its approval: and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington be and hereby authorized to execute a Grant Agreement with the Essex County Division of Community Action as sub-recipient of amended Community Service Block Grant funds in the amount of \$262,166.00.

BE IT FURTHER RESOLVED that the Township of Irvington does hereby accept the award of \$262,166.00 for such activities.

Adopted
Abstain: Inman
Absent: Hudley

Cox – Burgess 18. Authorize Tax Collector to Complete Application to Participate in 2017 Electronic Tax Sale Program and Submit Same to the Division of Local Government Services

ELECTRONIC TAX SALE RESOLUTION

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services, and

WHEREAS, the Director of the Division of Local Government Services has promulgated rules and regulations for pilot programs, and

WHEREAS, the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct pilot programs, and

WHEREAS, the rules and regulations authorize a municipality to submit an application for participation in the pilot program for an electronic tax sale, and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process, and

WHEREAS, the municipality of the Township of Irvington wishes to participate in the pilot program for an electronic tax sale.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the municipality of the Township of Irvington, New Jersey, that the Tax Collector is hereby authorized to complete an application to participate in the electronic tax sale program and submit same to the Director of the Division of Local Government Services.

Adopted
Abstain: Inman
Absent: Hudley

Lyons – Cox 19. Authorize Springfield Avenue Special Improvement District 2017-2018 Budget Be Read by Title

WHEREAS, N.J.S.A. 40:56-84(f) provides that a Special Improvement District budget as advertised shall be read in full at the public hearing, or that it may be read by its title only if:

1. At least one week prior to the date of the hearing a complete copy of the approved Special Improvement District budget, as advertised,

(b) shall be posted in a public place where public notices are customarily posted in the principal public building; and

(b) copies are made available to each person requesting same during said week and during the public hearing:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it is hereby declares that the conditions of N.J.S.A. 40:56-84(f), 1 (a) and 1 (b), have been met and therefore the Springfield Avenue Center Business Improvement District Budget shall be read by title only.

Adopted
Abstain: Inman
Absent: Hudley

Frederic – Cox 20. Promote Green Grounds and Maintenance Policy

RESOLUTION TO ADOPT IRVINGTON GREEN GROUNDS AND MAINTENANCE POLICY

WHEREAS, in a continued effort towards sustainability and green practices, the Township of Irvington desires to incorporate Green Grounds and Maintenance practices into the current grounds maintenance operations.

WHEREAS, the policy encourages and promotes measures and initiatives that protect, preserve, and enhance the environmental quality and health of residents of the community. An integrated approach is being used such as the minimization of water consumption, utilization of recycled materials, and implementation of an Integrated Pest Management (IPM) policy.

WHEREAS, a number of actions have already been taken to facilitate the implementation of this policy. The reduction of rodent-related nuisances is the focus of the current plan, which addresses public or municipal-owned areas.

WHEREAS, the Department of Public Works and the Housing Department have agreed to partner with the Health Department and Irvington Health Coalition to implement the IPM plan. Additionally, staff within each department will be trained to increase the likelihood of effective monitoring and reporting while performing their existing duties in the field.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Irvington that the Township hereby adopts a Green Grounds and Maintenance Policy to promote healthy, environmentally sound public lands, in turn promotes a truly sustainable community for the township residents.

-BE IT FURTHER RESOLVED that the Municipal Council encourages all residents to make every effort to participate in this endeavor on their own property.

Adopted
Abstain: Inman
Absent: Hudley

A. Communications

1. League of Municipalities – Legislative Bulletin # 4

2. Essex County Board of Chosen Freeholders Resolution – Support Municipalities Permitting a Trap-Neuter-Return Program for Community Cats

11. Pending Business

None

12. Miscellaneous

A. Bingos and Raffles

None

NON-CONSENT AGENDA ITEMS

8. Ordinances, Bills & Claims

A. Ordinances on 1st Reading

Burgess – Jones 1. Establish Range for Internet User Fees

AN ORDINANCE AUTHORIZING INTERNET USER FEES

Adopted
Absent: Hudley

Cox – Burgess 2. Repeal Special Permit for Alcoholic Beverage Consumption in Public Parks

AN ORDINANCE TO AMEND SECTION 139-19 OF THE REVISED CODE
ENTITLED: DRINKING ALCOHOLIC BEVERAGES OF PUBLIC GROUNDS
PROHIBITED; EXCEPTIONS

Adopted
Absent: Hudley

Cox – Burgess 3. Amend Section 111-17 of Revised Code – Hours of Operation for Retail Food Establishments

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 11-17 OF THE
REVISED CODE REGARDING HOURS OF OPERATION FOR RETAIL FOOD
ESTABLISHMENTS.

Adopted
Abstain: Inman
Absent: Hudley

B. Ordinances on 2nd Reading

1. President Lyons: An ordinance amending an ordinance providing for commercial loading zones will be heard at this time. The Clerk will read the notice of hearing.

The Clerk read the notice of hearing.

The Clerk will read the ordinance by title.

AN ORDINANCE AMENDING MC 3604 AN ORDINANCE PROVIDING FOR
PROCEDURES TO ESTABLISH A COMMERCIAL LOADING ZONE

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON as follows:

SECTION 1. Ordinance MC 3604 is hereby amended and supplemented to provide in its entirety as follows:

Loading Zone Ordinance

a. The Township Engineer may recommend to the municipal council the establishment of a curb loading zone upon the special request of any applicant when, on the basis of a site inspection conducted by the Township Engineer, it is determined that such curb loading zone is necessary and justified by traffic conditions at the proposed location. The days and hours for use of the curb loading zone will be recommended to the municipal council by the Township Engineer based upon the needs of the applicant and the current parking restrictions.

b. Any property owner and/or tenant shall be eligible to apply for a curb loading zone on an application form provided by the Township Engineer. The following information shall be printed on the application and supplied by the applicant to the Township: Applicant Name,; Company/Business Name,; Address,; Telephone Number; location of the property; indication of access to driveway, loading dock, garage or parking lot; indication of type of vehicles making deliveries; indication of proposed days and hours of deliveries,; and a signed and dated declaration by the applicant that he/she has not willingly or knowingly made a false statement or given information which they know to be false.

c. Any applicant who requests a curb loading zone that is not in a metered parking area shall make written application to the Township Engineer. The Township Engineer shall make a recommendation to the municipal council and the municipal council shall approve the application by a majority vote. After approval of such application by the municipal council and a payment of one hundred fifty (\$150.00) dollars by check or money order for each twenty (20) linear feet of curb parking space or fraction thereof to the Township, a permit for such curb loading zone shall be issued subject to the provisions of paragraph a, above. The permit shall contain such conditions as the Township Engineer may prescribe, and shall be valid for a period one (1) year from issuance. Thereafter, the permit shall be reissued annually upon payment of a renewal fee of one hundred fifty (\$150.00) dollars by check or money order for each twenty (20) linear feet of curb parking space or fraction thereof. The permit for such curb loading zone shall be transferable only to a purchaser of the property or the successor, assignee or subtenant of any tenant to whom the permit was originally issued.

d. Any applicant who requests a curb loading zone in a metered parking area shall make written application to the Township Engineer. The Township Engineer shall make a recommendation to the municipal council and the municipal council shall approve the application by a majority vote. After approval of such application by the municipal council and a payment of four hundred (\$400.00) dollars by check or money order for each metered parking space or fraction thereof included in the curb loading zone, a permit for such curb loading zone shall be issued subject to the provisions of paragraph a, above. The permit shall contain such conditions as the Township Engineer may

prescribe, and shall be valid for one (1) year from issuance. The permit will be reissued annually upon payment of a renewal fee of four hundred (\$400.00) dollars by check or money order for each metered parking space or fraction thereof. The permit for such curb loading zone shall be transferable only to a purchaser of the property or the successor, assignee or subtenant of any tenant to whom the permit was originally issued.

e. Any applicant, who requests a curb loading zone which is not in a metered parking area and is located in the Irvington Center area bounded on Springfield Avenue, shall make written application to the Township Engineer. The Township Engineer shall make a recommendation to the municipal council and the municipal council shall approve the application by a majority vote. After approval of such application by the municipal council and a payment of two hundred fifty (\$250.00) dollars by check or money order to the Township for each twenty (20) feet of curb parking space or fraction thereof, a permit for such curb loading zone shall be issued subject to the provisions of paragraph a. above. The permit shall contain such conditions as the Township Engineer may prescribe, and shall be valid for one (1) year. The permit will be reissued annually upon payment of a renewal fee of two hundred fifty (\$250.00) dollars by check or money order for each twenty (20) feet of curb parking space or fraction thereof. The permit for such curb loading zone shall be transferable only to a purchaser of the property or the successor, assignee or subtenant of any tenant to whom the permit was originally issued.

f. Any person/business who requests a curb loading zone in a parking metered area and located in the Irvington Center area on Springfield Avenue shall make written application to the Township Engineer. The Township Engineer shall make a recommendation to the municipal council and the municipal council shall approve the application by a majority vote. After approval of such application by the municipal council and a payment of six hundred (\$600.00) dollars by check or money order to the Township for each metered parking space or fraction thereof included in the curb loading, a permit for such curb loading zone may be issued subject to the provisions of paragraph a. above. The permit shall contain such conditions as the Township Engineer may prescribe, and shall be valid for one (1) year from issuance. The permit will be reissued annually upon payment of a renewal fee of six hundred (\$600.00) dollars by check or money order for each metered parking space or fraction thereof. The permit for such curb loading zone shall be transferable only to a purchaser of the property or the successor, assignee or subtenant of any tenant to whom the permit was originally issued.

g. Vehicles loading, unloading, delivering or picking up freight or materials shall be permitted to park in loading zones not to exceed one (1) hour, and vehicles shall not be left unattended.

h. With the consent of the municipal council, the Township Engineer may terminate any curb loading zone permit and remove the signs erected if payment of the annual fee shall be thirty (30) days in arrears, or if the Township needs to terminate the loading zone out of necessity in order to maintain the health and safety of the residents of the Township; provided that thirty (30) days' notice for such intended action shall be given to the person/business to whom the permit has been issued. In the event that a party is aggrieved by the termination any curb loading zone permit, it may appeal the decision of the Township Engineer to the Municipal Council.

i. No fee shall be required for the designation of a curb loading zone at any government building, school or hospital.

j. For a curb loading zone involving new construction, the approval of the loading zone is contingent upon planning/zoning board approval of the project being constructed. Planning/zoning board approval shall not be required for previously existing improvements on a property.

SECTION 2. All Ordinances or parts of Ordinances inconsistent or in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. This Ordinance shall take effect upon final passage and publication in accordance with the law.

The public hearing on this ordinance is now open.

There were no requests to be heard.

Cox – Frederic Motion to close public hearing

Adopted
Absent: Hudley

Cox – Frederic Motion to adopt this ordinance on second reading after public hearing.

Adopted
Absent: Hudley

2. President Lyons: An ordinance amending the development fee schedule will be heard at this time. For the record, this notice of hearing is identical to the first notice of hearing that was read. The Clerk will read the ordinance by title

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTIONS § 98-18. FEES UNDER CHAPTER 127, LAND USE PROCEDURES OF THE REVISED CODE OF THE TOWNSHIP OF IRVINGTON

BE IT ORDAINED BY THE MUNICIPAL COUNCIL FO THE TOWNSHIP OF IRVINGTON as follows:

SECTION 1.

§ 98-18. Fees under Chapter 127, Land Use Procedures. (Amended)

A. Development application fees. (Amended)

(1) Subdivisions and site plans.

(a) **Remain the Same**

Type	Filing Fee	Technical Review Fee
<u>Concept plan</u>	\$300.00	Please see section G-N of the

		ordinance
<u>Minor subdivision</u>		
Simple lot line change	\$250	Please see section G-N of the ordinance.
Other	\$450	
<u>Major subdivision</u>		
Preliminary plat	\$1,150	Please see section G-N of the ordinance.
Final plat	\$600	
<u>Site plans</u>		Please see section G-N of the ordinance.
Minor	\$500	
Major preliminary	\$750	
Final	\$500	
Preliminary (multifamily)	\$700	
Final (multifamily)	\$500	
Site plan waiver	\$250	
Special Meeting Request	\$1,000.00	

(b) Requisitions for concurrent approvals shall pay combined fees.

(2) Conditional and temporary uses: \$250 plus applicable subdivision or site plan fee.
[Amended]

(3) Variances and appeals.

(a) **Remain the Same**

[1] Appeals from decision of a Construction or Zoning Official pursuant to errors or refusals: \$350. [Amended]

[2] **Remain the Same**

(b) Exceptions or interpretations.

[1] Interpretation of the Zoning Map or the zoning regulations or for decisions on other special questions pursuant to exceptions or interpretations: \$700. [Amended]

[2] **Remain the Same**

(c) Variance of area or yard requirements.

[1] Variances pursuant to variance of area or yard requirements from lot area, lot dimensional, setback and yard requirements: \$150 per variance. [Amended]

[2] **Remain the Same**

(d) Variance of use regulations.

[1] Variances from use regulations pursuant to variance of use regulations: \$780.
[Amended]

[2] **Remain the Same**

(e) Building permits.

[1] **Remain the Same.**

[a] Issuance of a permit for a building or structure in the bed of a mapped street or public drainage way, flood control basin or public area reserved on an Official Map: \$550.

[Amended]

[b] **Remain the Same**

[2] **Remain the Same**

[a] Issuance of a permit for a building or structure not related to a street: \$300.

[Amended]

[b] **Remain the Same**

(4) **Remain the Same**

(5) Appeals to the Township Council: \$550. [Amended]

(6) Copy of decision of governing body to interested party in connection with an appeal: \$75. [Amended]

(7) **Remain the Same**

[b] **Remain the Same**

[c] **Remain the Same**

[d] Carbon monoxide alarms; gas fired; oil boiler or hot water heaters

[1] The fee for inspection of 1-20 carbon monoxide alarms shall be \$50.

[2] The fee for inspection of more than 20 carbon monoxide alarms shall be \$100.

[3] **Remain the Same**

[e] Fences Permits

Residential structure 1 to 4 dwelling units	\$100
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Commercial uses(s) or mixed uses	\$200
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[g] Escrow deposits for professional services.

(1)

The reviewing board shall require fees for technical and/or professional services and testimony employed to the board in reviewing an application, including the review services of the Director of Public Works, Township Planner, Board Attorney, Board Consultant, any other Township official and such other experts as may be deemed necessary (i.e., traffic, environmental, soils, etc.).

(2)

Fees for technical and professional services shall be in addition to any and all other required fees.

H. Submission of escrow deposits.

(1)

Initial escrow deposit for all applicants will be \$2,500.00. The applicant shall submit the required escrow deposit to the Planning or Zoning Board of Adjustment Secretary prior to the application being reviewed for completeness. No application shall be determined complete, reviewed by professional staff or placed on the agenda for public hearing until the required escrow deposit is paid.

(2)

Required escrow deposits shall be in the form of a money order or certified check payable to the Township of Irvington.

I. Escrow for informal review.

(1)

Whenever an applicant requests an informal review of an application for development involving technical or professional advisors, an escrow deposit shall be required in accordance with the schedule for formal applications. The deposit must be received prior to professional review.

(2)

Any escrow deposit received for informal review shall be credited to the required escrow deposit for formal applications. The cost for professional services involved in the informal review shall be considered part of the formal application review and charged to the escrow account.

J. Review of escrow deposit amount.

(1)

Prior to making a determination of completeness upon any application, the board shall review said application to determine whether the escrow amount set forth above is sufficient. If the amount set forth is determined insufficient by the reviewing board to cover professional costs anticipated for the application, additional funds in the amount of 33 1/3% of the initially required escrow fee shall be deposited by the applicant prior to declaring the application complete. The application shall not be declared complete or placed on the agenda for public hearing until such additional escrow deposit is received.

(2)

Further additional escrow deposit fees may be required at any time upon determination by the reviewing board. All approvals shall be conditional upon receipt of such additional fees deposited by the applicant in increments of 1/3 of the initially required escrow fee, when and as determined necessary by the reviewing board.

K. Appeal of escrow deposit.

In the event that the applicant believes the escrow deposit to be unreasonable, the Planning Board or the Board of Adjustment shall hear and decide whether such fees are reasonable, and the applicant may appeal the decision of the Planning Board or Board of Adjustment to the governing body, provided that the applicant shall provide the governing body such transcripts of the Planning Board or Board of Adjustment hearing on fees at his cost, and such hearing shall be on record. The governing body shall set a hearing date, with notice to all parties, and the applicant shall provide a court-certified stenographer to record said hearing. The governing body may reverse a Planning Board or Board of Adjustment decision only if the Board's decision is not sustained by the preponderance of the evidence.

L.

Escrow accounts over \$5,000; conditions. Whenever an amount of money in excess of \$5,000 shall be deposited by an applicant with the municipality for professional services employed by the municipality to review applications, the money, until repaid or applied to the purposes for which it is deposited, including the applicant's portion of the interest earned thereon, except as otherwise provided for herein, shall continue to be the property of the applicant and shall be held in trust by the municipality. Money deposited shall be held in escrow. The municipality shall deposit it in a banking institution or savings and loan association in this state insured by an agency of the federal government or in any other funds or depository approved for such deposits by the state in an account bearing interest at the minimum rate currently paid by the institution or depository time on savings deposits. The municipality shall notify the applicant, in writing, of the name and address of the institution or depository in which the deposit is made and the amount of the deposit. The municipality shall not refund an amount of interest paid on a deposit which does not exceed \$100 for the year. If the amount of the interest exceeds \$100, that entire amount shall belong to the applicant and shall be refunded to him by the municipality at the time the deposit is repaid or applied to the purpose for which it was deposited, as the case may be; except that the municipality will retain for administrative expenses a sum equivalent to no more than 33 1/3% of that entire amount which shall be in lieu of all other administrative and custodial expenses.

M.

Accounting of escrow deposits. In the event that any applicant desires an accounting of the expenses or fees paid by him for professional review, he shall request such in a letter directed to the Secretary of the Planning Board or Board of Adjustment. The applicant shall be responsible for any costs incurred by the Planning Board or the Board of Adjustment in having its professional and administrative staff prepare an accounting of the fees expended. Such additional amount as may be required for said accounting shall be paid to the Planning Board or Board of Adjustment prior to issuance of a certificate of occupancy in the event that there are insufficient escrow funds to pay for said accounting.

N.

Refunds. All escrow funds described herein shall be utilized by the appropriate board to pay the cost of any technical and/or professional services incurred by the board for review and/or testimony in connection with the particular application. All funds not expended shall be refunded to the applicant within 60 days after the final determination by the appropriate board with respect to such application. No amount shall be refunded prior to certification by the Board Secretary that said application has been finally determined.

SECTION 2. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. This ordinance shall take effect upon final passage and publication according to law.

The public hearing on this ordinance is now open.

There were no requests to be heard.

Lyons – Jones

Motion to close public hearing

Adopted

Absent: Hudley

Lyons – Jones

Motion to adopt this ordinance on second reading after public hearing.

Adopted

Absent: Hudley

9. Resolutions & Motions

A. Resolutions

25 A. President Lyons: The Springfield Avenue Special Improvement District 2017-2018 Budget was introduced on August 15, 2017, published in the Irvington Herald on August 24, 2017, and public set for this date, time and place. The Clerk will read the the notice of hearing.

The clerk read the notice of hearing.

The Clerk will read the Springfield Avenue Special Improvement District 2017-2018 Budget by Title

REVENUES	BUDGET	LINE ITEM NARRATIVE
Cash on Hand	25,000	Bank Balance as of July 1, 2017
BID Tax: 2017-18 @ 4%	232,214	increase from 3% to 4% for additional sidewalk cleaning services
Misc.: Magazine, CCEF, Interest	4,000	Interest and Irvington Indeed! Magazine ads (2 issues
TOTALS	261,214	
EXPENSES	BUDGET	
CAPITAL IMPROVEMENTS:		
Holiday Decorations	25,000	District-wide expanded annual display
Beautification/Spruce Up	4,000	AZ Landscaping @ clock gateway; PSE&G clock electric
Sidewalk Cleaning	85,800	District-wide expanded sidewalk cleaning by A Rescue Staffing*
Private Security Cameras	<u>5,000</u>	matching grants up to \$2500 to ISABID members
SUBTOTAL	119,800	
MARKETING:		
Irvington Indeed! Magazine residences	52,500	2 issues (Holidays 2017, Summer 2018) mailed to 25,000
Media Advertisements	2,000	Shared irvington-nj.com website cost @ \$9.98/month + print ads
Promotions	9,000	3 Sidewalk Sales; Halloween; Senior Thanksgiving Lunch;
ISABID Gift Certificates		
Santa Photos	<u>2,000</u>	Annual free photos, Christmas stockings, cartoon characters
SUBTOTAL	65,500	
OPERATIONS		
Administration	60,000	FirsTEAManagement staff & fully-equipped office
Organizational Expenses	8,000	Insurances; Office Phone; Office Supplies; Annual Audit
Staff/Board Training	<u>800</u>	seminars, workshops, membership dues
SUBTOTAL	68,800	
Reserve	<u>7,114</u>	Non-allocated expenses + Community donations & scholarships
Total Expenditures	261,214	

WHEREAS, the following named individuals, partnerships or corporations, being applicants for Plenary Retail Consumption Licenses for the year 2017-2018 to sell alcoholic beverages under the provisions of N.J.S.A. Title 33 having been investigated as required by said Law, and the Alcoholic Beverage Control Board being satisfied that said applicants in all things have met the requirements of the law and are suitable and proper

individuals, partnerships or corporations to whom Plenary Retail Consumption Licenses for the sale of alcoholic beverages should be issued:

NOW THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL ACTING AS THE ALCOHOLIC BEVERAGE CONTROL BOARD OF THE TOWNSHIP OF IRVINGTON that permanent Plenary Retail Consumption Licenses be issued to the following named individuals, partnerships and corporations for the sale of alcoholic beverages by the glass or other open receptacles to be consumed on the licensed premises and also for the sale of alcoholic beverages in original containers for consumption off the licensed premises for the year 2017-2018 at the address set opposite their respective name, viz:

0709-33-064-008 Damery, Inc.
t/a The Foxes

33 Welland Avenue

BE IT FURTHER RESOLVED that the said licenses be issued in the name of and under the seal of the Township of Irvington and be signed by a representative of the License Bureau, in order to fulfill the provisions of the Irvington Township Code, known as Ordinance MC 2622, which license, after being so signed, shall be released by the License Bureau to the licensee; and

Adopted
No: Inman
Absent: Hudley

3. Adjournment

12. Miscellaneous

B. General Hearing of Citizens and Council Members (limited to five minutes per person)

Beverly Beckwith, 39 Argyle Terrace
Elouise McDaniel, 214 Nesbit Terrace
Joseph Benjamin, 1014 Clinton Avenue
Richard Williams, 197 Linden Avenue
Gora Nduna, 12 Beaumont Place

Council Members Cox, Frederic, Jones, Burgess and Council President Lyons addressed the issues raised by the above referenced citizens.

13. Adjournment

There being no further business, the meeting was adjourned at 9:03 P.M.

David Lyons, Council President

Harold E. Wiener, Municipal Clerk